

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NEW PRIME, INC.,

Plaintiff,

v.

BRANDON BALCHUNE
CONSTRUCTION, INC., POCONO
TRANSCRETE, INC., PATRICK
MCLAINE, P.E., CIVIL DESIGN
PARTNERS, INC., JERRY RANIELI,
SAMUEL J. MARRANCA, SAMUEL J.
MARRANCA GENERAL CONTRACTING
CO., MIDLANTIC ENGINEERING, INC.

Defendants.

3:14-CR-2410
(JUDGE MARIANI)

ORDER

AND NOW, THIS 15th DAY OF DECEMBER, 2017, upon consideration of the Motion for Summary Judgment of Pocono Transcrete Inc. ("Pocono") (Doc. 215), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. The Motion (Doc. 215) is **DENIED** in part and **GRANTED** in part, to wit:
 - a. The Motion is **DENIED** with respect to Plaintiff's breach of warranty claim (Count III);
 - b. The Motion is **GRANTED** with respect to Defendants Samuel J. Marranca and Samuel J. Marranca General Contracting Co.'s crossclaim against Pocono (Doc. 201); Defendant Brandon Balchune Construction, Inc.'s

crossclaim against Pocono (Doc. 212); and Defendant Midlantic Engineering, Inc.'s crossclaim against Pocono (Doc. 200).

2. A telephone scheduling conference **SHALL BE CONDUCTED** on **Thursday, January 4, 2018 at 4:30 p.m.** for purposes of scheduling this matter for trial.

Counsel for the Plaintiff is responsible for arranging the call to Chambers at (570) 207-5750 and all participants should be prepared to proceed before the undersigned is contacted.



Robert D. Mariani
United States District Judge